

House File 8 - Introduced

HOUSE FILE 8

BY L. MILLER

A BILL FOR

1 An Act relating to special minors' driver's licenses for minors
2 with parents or guardians who have separate residences and
3 who share physical custody of the minor.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.194, subsection 1, paragraph c, Code
2 2015, is amended to read as follows:

3 c. Each application shall be accompanied by a statement
4 from the school board, superintendent, or principal, if
5 authorized by the superintendent, of the applicant's school.
6 The statement shall be upon a form provided by the department.
7 The school board, superintendent, or principal, if authorized
8 by the superintendent, shall certify that a need exists for
9 the license and that the board, superintendent, or principal
10 authorized by the superintendent is not responsible for actions
11 of the applicant which pertain to the use of the driver's
12 license. Upon receipt of a statement of necessity, the
13 department shall issue the driver's license. The fact that the
14 applicant resides at a distance less than one mile from the
15 applicant's school of enrollment is prima facie evidence of
16 the nonexistence of necessity for the issuance of a license.
17 However, if the applicant's parents or guardians have separate
18 residences and share physical custody of the applicant, the
19 fact that one of the residences is less than one mile from
20 the applicant's school of enrollment is not prima facie
21 evidence of the nonexistence of necessity for the issuance
22 of a license. The school board shall develop and adopt a
23 policy establishing the criteria that shall be used by a school
24 district administrator to approve or deny certification that
25 a need exists for a license. The student may appeal to the
26 school board the decision of a school district administrator
27 to deny certification. The decision of the school board is
28 final. The driver's license shall not be issued for purposes
29 of attending a public school in a school district other than
30 either of the following:

31 (1) The district of residence of the parent or guardian of
32 the student.

33 (2) A district which is contiguous to the district of
34 residence of the parent or guardian of the student, if the
35 student is enrolled in the public school which is not the

1 school district of residence because of open enrollment under
2 section 282.18 or as a result of an election by the student's
3 district of residence to enter into one or more sharing
4 agreements pursuant to the procedures in chapter 282.

5 Sec. 2. Section 321.194, subsection 1, Code 2015, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *e.* For the purposes of this subsection:

8 (1) *"District of residence of the parent or guardian of the*
9 *student"* refers to all of the districts of residence in which
10 one or more of the student's parents or guardians reside.
11 *"District of residence of the parent or guardian of the student"*
12 may refer to more than one district of residence where the
13 student's parents or guardians have separate residences and
14 share physical custody of the student.

15 (2) *"Licensee's residence"* refers to all of the residences
16 at which the licensee resides with one or more of the
17 licensee's parents or guardians. *"Licensee's residence"* may
18 refer to more than one residence where the licensee's parents
19 or guardians have separate residences and share physical
20 custody of the licensee.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to special minors' driver's licenses for
25 minors with parents who have separate residences and share
26 physical custody of the minor.

27 Under current law, the fact that the minor resides at a
28 distance less than one mile from the minor's school is prima
29 facie evidence of the nonexistence of necessity for the
30 issuance of a license. The bill establishes that, if the
31 minor's parents or guardians have separate residences and
32 share physical custody of the minor, the fact that one of the
33 residences is less than one mile from the minor's school of
34 enrollment is not prima facie evidence of the nonexistence of
35 necessity for the issuance of a license.

1 Current law provides that the license allows a minor to
2 travel between the minor's residence and the minor's school,
3 among certain other places.

4 The bill provides that a minor may travel between the minor's
5 school and all of the residences at which the minor resides
6 with one or more of the minor's parents or guardians. A minor
7 may have more than one residence where the minor's parents or
8 guardians have separate residences and share physical custody
9 of the minor.

10 The bill provides that a minor is eligible for a license
11 while attending a public school in any of the districts of
12 residence in which one or more of the minor's parents or
13 guardians reside. A minor may have more than one district of
14 residence where the minor's parents or guardians have separate
15 residences and share physical custody of the minor.